



February 20, 2008

ENGROSSED HOUSE BILL No. 1249

DIGEST OF HB 1249 (Updated February 19, 2008 11:38 am - DI 71)

Citations Affected: IC 21-14; noncode.

Synopsis: Tuition exemption for Purple Heart recipients. Provides that an Indiana resident who: (1) enters active duty service in the armed forces of the United States or the Indiana National Guard after September 10, 2001; (2) receives the Purple Heart decoration; and (3) satisfies other criteria; is exempt from tuition and fees at a state educational institution. Provides that the tuition and fee exemption for: (1) certain children of veterans; (2) spouses and children of National Guard members; and (3) Purple Heart recipients; for a credit hour is equal to the cost of an undergraduate credit hour. Provides that the tuition and fee exemptions for Purple Heart recipients are not eligible for reimbursement by the state.

Effective: Upon passage; July 1, 2008.

Klinker, Crouch, Tincher

(SENATE SPONSORS — WYSS, ALTING, TALLIAN, PAUL)

January 14, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 24, 2008, amended, reported — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 4, 2008, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

February 19, 2008, amended, reported favorably — Do Pass.

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February 20, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1249

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-14-1-4, AS ADDED BY P.L.2-2007, SECTION
2 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: Sec. 4. "Eligible applicant":

4 (1) for purposes of IC 21-14-4, refers to a person who is eligible
5 for an educational costs exemption for children of veterans under
6 IC 21-14-4;

7 (2) for purposes of IC 21-14-6, refers to a person who is eligible
8 for an educational costs exemption for the children or surviving
9 spouse of a public safety officer under IC 21-14-6; and

10 (3) for purposes of IC 21-14-7, refers to a person who is eligible
11 for an educational costs exemption for children and spouses of
12 National Guard members under IC 21-14-7.

13 (4) for purposes of IC 21-14-10, refers to a person who is
14 eligible for an educational costs exemption for Purple Heart
15 recipients under IC 21-14-10.

16 SECTION 2. IC 21-14-4-2, AS ADDED BY P.L.2-2007, SECTION
17 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON

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PASSAGE]: Sec. 2. **(a) Subject to subsection (b)**, an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 3. IC 21-14-7-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Subject to subsection (b)**, an eligible applicant is exempt from the payment of educational costs for instruction at the state educational institution in which the eligible applicant is enrolled or will enroll.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 4. IC 21-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 10. Tuition and Fee Exemption for Purple Heart Recipients

Sec. 1. This chapter applies to a person who:

- (1) after September 10, 2001, enters on active duty service from a permanent home address in Indiana;**
- (2) receives an honorable discharge;**
- (3) receives the Purple Heart decoration for service described in subdivision (1);**
- (4) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and**
- (5) possesses the requisite academic qualifications.**

Sec. 2. (a) Subject to subsection (b), an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institution, without the payment of any educational costs for one hundred twenty-four (124)

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semester credit hours in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

Sec. 3. For purposes of this chapter, the commission for higher education, in consultation with the state student assistance commission, shall define mandatory fees that qualify as educational costs.

Sec. 4. If an eligible applicant:

(1) is permitted to matriculate in a state educational institution;

(2) qualifies under this chapter; and

(3) has earned or has been awarded a cash scholarship that is paid or payable to the state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of incidental expenses of the eligible applicant's attendance at the state educational institution. The balance, if the terms of the scholarship permit, must be returned to the eligible applicant.

Sec. 5. Determination of eligibility for higher education benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an eligible applicant's benefit, the state student assistance commission shall consider other higher education financial assistance in conformity with this chapter.

Sec. 6. An appeal from an adverse determination under section 5 of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

Sec. 7. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor.

Sec. 8. The amount of the benefits under this chapter is equal to

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1 one (1) of the following:

2 (1) If the eligible applicant does not receive financial
3 assistance specifically designated for educational costs, the
4 amount determined under sections 2 through 6 of this
5 chapter.

6 (2) If the eligible applicant receives financial assistance
7 specifically designated for educational costs:

8 (A) the amount determined under sections 2 through 6 of
9 this chapter; minus

10 (B) the financial assistance specifically designated for
11 educational costs.

12 **Sec. 9. A tuition or fee exemption under this chapter is not**
13 **eligible for reimbursement from an appropriation for statutory**
14 **tuition or fee remissions or any other funds of the state.**

15 **SECTION 5. [EFFECTIVE UPON PASSAGE] IC 21-14-4-2 and**
16 **IC 21-14-7-2, both as amended by this act, apply to applications for**
17 **eligible tuition or fee exemptions that are made after June 30, 2008.**

18 **SECTION 6. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-14-1-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. "Eligible applicant":

(1) for purposes of IC 21-14-4, refers to a person who is eligible for an educational costs exemption for children of veterans under IC 21-14-4;

(2) for purposes of IC 21-14-6, refers to a person who is eligible for an educational costs exemption for the children or surviving spouse of a public safety officer under IC 21-14-6; and

(3) for purposes of IC 21-14-7, refers to a person who is eligible for an educational costs exemption for children and spouses of National Guard members under IC 21-14-7.

(4) for purposes of IC 21-14-10, refers to a person who is eligible for an educational costs exemption for Purple Heart recipients under IC 21-14-10."

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(4) after September 10, 2001, suffers a service connected disability of at least twenty percent (20%), as determined by the United States Department of Veterans Affairs;".

Page 1, line 12, delete "(4)" and insert "(5)".

Page 1, line 15, delete "(5)" and insert "(6)".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2008] IC 21-14-10, as added by this act, applies to eligible applicants who matriculate at a state educational institution after June 30, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1249 as introduced.)

TINCHER, Chair

Committee Vote: yeas 8, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1249 be amended to read as follows:

Page 1, between line 15 and 16, begin a new paragraph and insert:
 "SECTION 2. IC 21-14-4-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Subject to subsection (b)**, an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

(b) An eligible applicant is exempt from the payment of educational costs under subsection (a) for each semester in which:

- (1) the eligible applicant is enrolled in an associate's degree program or the eligible applicant's first baccalaureate degree program; and**
- (2) the eligible applicant is a full-time student pursuing a prescribed course of study.**

SECTION 3. IC 21-14-7-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Subject to subsection (b)**, an eligible applicant is exempt from the payment of educational costs for instruction at the state educational institution in which the eligible applicant is enrolled or will enroll.

(b) An eligible applicant is exempt from the payment of educational costs under subsection (a) for each semester in which:

- (1) the eligible applicant is enrolled in an associate's degree program or the eligible applicant's first baccalaureate degree program; and**
- (2) the eligible applicant is a full-time student pursuing a prescribed course of study."**

Page 2, line 17, delete "An" and insert "**(a) Subject to subsection (b), an**".

Page 2, between line 23 and 24, begin a new paragraph and insert:

"(b) An eligible applicant is exempt from the payment of educational costs under subsection (a) for each semester in which:

- (1) the eligible applicant is enrolled in an associate's degree program or the eligible applicant's first baccalaureate degree program; and**
- (2) the eligible applicant is a full-time student pursuing a**

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prescribed course of study."

Page 3, after line 32, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2008] (a) The state student assistance commission shall include in its written statement submitted to the budget agency under IC 4-12-1-7 for the budget period beginning July 1, 2009, an amount necessary to implement IC 21-14-10, as added by this act.

(b) This SECTION expires December 31, 2008.

SECTION 7. [EFFECTIVE UPON PASSAGE] IC 21-14-4-2 and IC 21-14-7-2, both as amended by this act, apply to applications for eligible tuition or fee exemptions that are made after June 30, 2008.

SECTION 8. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1249 as printed January 25, 2008.)

KLINKER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1249 be amended to read as follows:

Page 3, delete lines 30 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1249 as printed January 25, 2008.)

RESKE

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, delete "An" and insert "**The maximum amount that an**".

Page 2, line 8, delete "the payment of" and insert "**paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which**

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the eligible applicant enrolls."

Page 2, delete lines 9 through 14.

Page 2, line 21, delete "An" and insert **"The maximum amount that an"**.

Page 2, line 21, delete "the payment of" and insert **"paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls."**

Page 2, delete lines 22 through 27.

Page 2, delete lines 39 through 41.

Page 2, line 42, delete "(5)" and insert **"(4)"**.

Page 3, line 3, delete "(6)" and insert **"(5)"**.

Page 3, line 11, delete "An" and insert **"The maximum amount that an"**.

Page 3, line 11, delete "the payment of" and insert **"paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls."**

Page 3, delete lines 12 through 17.

Page 4, delete lines 24 through 29, begin a new paragraph and insert:

"Sec. 9. A tuition or fee exemption under this chapter is not eligible for reimbursement from an appropriation for statutory tuition or fee remissions or any other funds of the state."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1249 as reprinted January 29, 2008.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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